

ENTERED

April 21, 2020

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

§

§

v.

§

CRIM. ACTION NO. H-09-424

§

HOWARD GRANT

§

MEMORANDUM AND ORDER

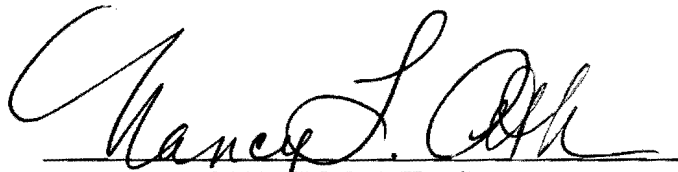
This criminal case is before the Court on Defendant Howard Grant's "Motion for Reconsideration Under FRCP 59(e)" ("Motion") [Doc. # 1184]. In the Motion, Grant seeks reconsideration of the Court's March 25, 2020, Memorandum and Order [Doc. # 1183]. In the Memorandum and Order, the Court rejected Grant's assertion that his criminal conviction was void and should be vacated pursuant to Rule 60(b)(4) of the Federal Rules of Civil Procedure because his business entity, Howard Grant M.D., PA, was not properly served with the summons and complaint as required by Federal Rule of Civil Procedure 4(h).

Grant's business entity was not a defendant in the criminal prosecution, and the service requirements of Rule 4 of the Federal Rules of Civil Procedure do not apply to the criminal prosecution of an individual. *See* FED. R. CIV. P. 1. As a result, the Court correctly held that the failure to complete Rule 4 service on Grant's business

entity does not provide a legal basis to vacate his conviction as void. Accordingly, it is hereby

ORDERED that the Motion for Reconsideration Under FRCP 59(e) [Doc. # 1184] is **DENIED**. To the extent a Certificate of Appealability is required for an appeal from the denial of a Rule 59(e) motion seeking reconsideration of a Rule 60(b)(4) motion, it is **denied**.

SIGNED at Houston, Texas, this 21st day of **April, 2020**.



NANCY F. ATLAS
SENIOR UNITED STATES DISTRICT JUDGE